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10/598,452

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Hermann H. Bode

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EXAMINER

LEE, JAEYUN

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

04/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,452	Applicant(s) BODE, HERMANN H.	
	Examiner JAEYUN LEE	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) 5,7-11,13 and 15-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/6/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. It does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month and year of its filing.

*Note: The Applicant has claimed the foreign priority benefit, however benefit claimed date in the oath and declaration submitted on 8/31/2006 has wrong date (3/12/2005).

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

3. Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in Europe on March 17, 2004. Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

*Note: The Applicant has claimed the foreign priority benefit, however benefit claimed date in the oath and declaration submitted on 8/31/2006 has wrong date (3/12/2005).

Election/Restrictions

4. Applicant's election of the method claims 1-4, 6, 12, and 14 in the reply filed on January 7, 2008 is acknowledged. Because applicant did not distinctly and specifically

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point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

5. Claims 5, 7-11, 13, and 15-17 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 7, 2008.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over LESSARD (US 3,508,664) in view of the admitted prior art and in further view of MONFORT (US 3,389,037) optionally further taken with SHIH (2004/0079772).

With respect to claim 1, LESSARD teaches that a base member 10 (hanger body) has a wire hook member 22 (clothes hanger hook) secured therein in any known manner for supporting the pant rack on a rod or the like in the known manner. The wire hook member 22 is secured at a point substantially aligned with the center of gravity of the composite structure of the base member 10 (figures 2 and 3; column 3, lines 17-24). Also, LESSARD discloses that the base member 10 is normally made of wood (column 3, lines 39-41). Although the reference is silent as to the material of the wire hook member 10, one of ordinary skill in the art would have appreciated to provide the metal wire hook for the garment hanger.

Note that in the admitted prior art teaches that the movement of a clothes hanger hook often leads to the fixing of the clothes hanger hook in a clothes hanger body coming loose (specification, p. 2, lines 6-8). This is clearly undesirable as suggested by the admitted prior art. One of ordinary skill in the art would have appreciated to recognize that the fixing of the wire hook member in the base member of a hanger of LESSARD also coming loose when using it over the period of the time.

MONFORT teaches a method of sealing a seam between a piece of wood and another solid object involving the application to seam of a penetrating adhesive having a low viscosity material (abstract; column 1, lines 11-19) wherein the adhesive formulation is used for refastening purposes. The penetrating action of the formulation will enable it to flow all around a fastening, subsequently providing a perfect fit between the fastening (metal) and the wood to which it is attached (column 6, lines 27-32). Also, by using this low viscosity material, the penetrating sealing adhesive will be drawn even through fine

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hair-line openings (adhesive penetrates a gap) by means of capillary attraction. As a result, such composition can be applied to the joints of a pre-formed assembly of solid objects without first coating the elements of the assembly with the adhesive (column 2, lines 24-32).

Therefore, it would have been obvious at the time of the Applicant's invention to one of ordinary skill in the art to fix or re-fix a clothes hanger when the fixing of the wire hook member in the base member coming loose over the period of the time as taught by LESSARD in view of the Admitted Prior Art with a method described above as taught by MONFORT at the joint between the wire hook member and the base member of LESSARD for refastening/ restoring purposes.

With respect to claim 6, MONFORT teaches a method of sealing a seam between a piece of wood and another solid object involving the application to seam of a penetrating adhesive having a low viscosity material (abstract; column 1, lines 11-19) wherein the adhesive is a capillary flowable adhesive (column 2, lines 24-26; column 6, lines 23-25 and lines 29-32).

Also, one reading LESSARD as a whole would have readily appreciated that the reference is not concerned with how the wire hook member is secured to the base member. To further support the contention that those skilled in the art would have employed the adhesive of MONTFORT in the operation of refixing the hanger of LESSARD the reference to SHIH is cited. It is known in a garment hanger art (p.1, paragraph 002) that a retainer 3 including a stem 30 (clothes hook having a stem) can be attached or fixed to the coupler 40 (hanger body) with adhesive materials for fixing

the retainer 3 to the coupler 40 as taught by SHIH (p.2, paragraph 0032; figure 2).

Thus, to use adhesive to repair a hanger would have been expected to have been performed. It would have been obvious at the time of the Applicant's invention to one of ordinary skill in the art to fix the wire hook member in the base member by using adhesive material as adhesive material was known for fixing a hook to a base as suggested by SHIH and as the reference to LESSARD clearly suggested any suitable means for connection wherein the fixed hook became disconnected and loose over time as suggested by Applicant's admitted prior art and wherein the refixing would have been performed with the low viscosity adhesive of MONTFORT.

9. Claims 2-4, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over LESSARD (US 3,508,664), admitted prior art, and MONFORT (US 3,389,037) optionally further taken with SHIH as applied to claim 1 above, and further in view of DEWITT (US 2003/0201056). The prior art as applied above suggested the overall refixing operation but failed to expressly state that one would have applied the adhesive material with a pipette. It should be noted that the adhesive material applied in the operation suggested above was a low viscosity adhesive which had capillary action (good flow properties to fill the gap).

DEWITT teaches a method for application of a low viscosity adhesive which is used for repair of furniture (abstract) wherein the adhesive 30 contained in the dispenser 10 having applicator tip 26 (figure 1; figure 3) being used to bond or assemble such things as wooden joints 42 of a chair 40, or other such articles made of wood, ceramic, metal, plastic and rubber, fabric, etc. The applicator 26 tip aids in the proper

application of the adhesive into the joint 42 (figure 7) (p.3, paragraphs 0039, 0043, and 0045).

Although, the reference is silent as to the dispenser 10 containing the adhesive material 30 is a pipette, it discloses that a desired amount of the contents in the dispenser 10 is discharged from the applicator tip 26 by squeezing the dispenser body 62 and upon releasing the sides thereof, flow is instantly stopped and may even be retracted into the conical port member 64 from the applicator tip 26 (figure 1; figure 5; p.3, paragraph 0043). Additionally the end of the tip 26 was defined to be a capillary tube member 34. The capillary tube member 34 is a narrow tube through which the adhesive was dispensed which is essentially what applicant's pipette is. The function of the dispenser 10 is equivalent to the function of the pipette and is therefore, one of ordinary skill in the art would have appreciated to alternatively use the pipette as claimed.

Also, one reading MONFORT as a whole would have readily appreciated that the reference is not concerned with what applicator is used when applying a low viscosity to the joint of a preformed assembly of solid objects.

Therefore, it would have been obvious at the time of the Applicant's invention to one of ordinary skill in the art to fix or re-fix a clothes hanger when the fixing of the wire hook member in the base member coming loose over the period of the time as taught by LESSARD in view of the Admitted Prior Art with a method as taught by MONFORT via a dispenser having a applicator tip of DEWITT in order to discharge a desired amount of the contents in the dispenser accurately to a desired location.

With respect to claim 3, DEWITT further teaches a method wherein the dispenser 10 having an applicator tip 26 is formed from a piece of polyethylene tubing or similar material, or similar material allowing for flexibility wherein the applicator tip end 34 tapers into a flexible capillary tube (figure 3; p.3, paragraph 0039).

Therefore, it would have been obvious at the time of the Applicant's invention to one of ordinary skill in the art to fix or re-fix a clothes hanger when the fixing of the wire hook member in the base member coming loose over the period of the time as taught by LESSARD in view of the Admitted Prior Art with a method as taught by MONFORT via a dispenser having a flexible applicator tip capable of being bent into a desired configuration as taught by DEWITT (p.3, paragraph 0040) in order to facilitate the discharge of material to a desired location with accuracy wherein it was additionally known to apply adhesive to fix a hook component to a base as evidenced by SHIH.

With respect to claims 4 and 12, DEWITT further teaches that the adhesive is expelled from the dispenser 10 having applicator tip 26 and applied to joints by tracing the joint lines thereof (p.3, paragraph 0045).

Therefore, it would have been obvious at the time of the Applicant's invention to one of ordinary skill in the art to fix or re-fix a clothes hanger when the fixing of the wire hook member in the base member coming loose over the period of the time as taught by LESSARD in view of the Admitted Prior Art with a method as taught by MONFORT via a flexible applicator tip of a dispenser discharging the adhesive around the joint lines as taught by DEWITT which touches the wire hook member stem of LESSARD so that

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the adhesive being applied to the joint line can be flowed through a gap in between the hanger hook and the body quickly leaving no indication of adhesive application.

With respect to claim 14, MONFORT teaches a method of sealing a seam between a piece of wood and another solid object involving the application to seam of a penetrating adhesive having a low viscosity material (abstract; column 1, lines 11-19) wherein the adhesive is a capillary flowable adhesive (column 2, lines 24-26; column 6, lines 23-25 and lines 29-32).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAEYUN LEE whose telephone number is (571)270-5114. The examiner can normally be reached on Monday thru Friday 8am to 5pm est..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff H. Aftergut/
Primary Examiner, Art Unit 1791

JL
4/2/2008